

BASIS FOR THE AMENDMENT

Claim 3 has been canceled. The limitations of Claim 3 were included in Claim 1.

Claim 6 has been amended as supported at page 10, last paragraph of the specification. New Claims 7-22 have been added.

New Claims 7-10 are supported at page 4 of the specification as originally filed.

New Claim 11 is supported at the paragraph bridging pages 5 and 6 of the specification as originally filed.

New Claim 12 is supported at page 6, lines 16 and 17 of the specification as originally filed.

New Claims 13 and 14 are supported by the original claims and specification.

New Claims 15-18 are supported at pages 6 and 7 of the specification as originally filed.

New Claim 19 is supported at page 8, lines 28-30 of the specification as originally filed.

New Claim 20 is supported at page 8, lines 35-37 of the specification and the Examples as originally filed.

New Claims 21 and 22 are supported by the claims as originally filed.

No new matter is believed to have been added by entry of this amendment. Entry and favorable reconsideration are respectfully requested.

Upon entry of this amendment Claims 1-22 will now be active in this application.

REMARKS

Applicants respectfully request reconsideration of the application, as amended, in view of the following remarks.

The rejection of Claims 1-6 under 35 U.S.C. § 103(a) over Albrecht or Morschhauser or Tembou N'Zudie is respectfully traversed.

In amended **Claim 1** component B) has been limited to formulae IIa or IIb.

New Claims 7-20 depend on Claim 1.

New Claims 21 and 22 for a method of using a copolymer have been added.

Albrecht or Morschhauser or Tembou N'Zudie fail to disclose or suggest a copolymer as claimed.

The Albrecht et al. reference does not describe a copolymer on the basis of monomers B) of the formula IIa or IIb. Further, Albrecht et al. teaches to employ polyalkylene oxide monomer A) only in a minor amount of from 0.01 to 50 mol-%.

The copolymers according to Albrecht et al. are used as water retention agents in building material mixes and paint systems (col. 2, lines 33-39).

These copolymers of Albrecht et al. comprise

3 to 96 mol-% of structural units a) containing a sulfonic group (corresponding to units derived from component C of the above-mentioned application),

3 to 96 mol-% of structural units b) containing an amide group (corresponding to units derived from component D),

0.05 to 75 mol-% of structural units c) (corresponding to units derived from component C), formula IIc and

0.01 to 50 mol-% of structural units d) (corresponding to units derived from component A).

The Albrecht et al. reference does not describe a copolymer on the basis of monomers B) of the formula IIa or IIb. Further, Albrecht et al. teaches to employ polyalkylene oxide monomer A) only in a minor amount of from 0.01 to 50 mol-%. This means that the copolymers according to amended Claim 1 are structurally different from the copolymer according to Albrecht. The polymers according to Albrecht are used as water retention agents, i.e. agents that are used to prevent or delay the undesired evaporation of water required for hydration and processing of paints and hydrolytic binders or the draining off of the water into the substrate. The technical field of aqueous paints and building materials is different from the technical field of the above-mentioned application, which refers to copolymers that are suitable to stabilize aqueous dispersions of clay minerals and can be employed as additive for laundry detergents to prevent graying of textiles and improve the primary detergency (see published application, paragraphs [0098] and [0099]). Copolymers 1 and 2 of the invention are based on monomer IIa (= 3-methyl-1-vinylimidazolium methyl sulfate, paragraphs [0101] and [0103]). As can be taken from table 4, paragraph [0117], these polymers show especially good improvement of the primary detergency (determined by % reflectance) with blended fabric.

US 6,645,476 (Morschhäuser et al.) describes water-soluble polymers preparable by free-radical copolymerization of A) one or more macromonomers containing an end-group capable of polymerization, a hydrophilic moiety based on polyalkylene oxides, and a hydrophobic moiety which comprises hydrogen or a saturated or unsaturated, linear or branched, aliphatic, cycloaliphatic or aromatic (C1 -C30)-hydrocarbon radical, and B) one or more olefinically unsaturated comonomers which contain oxygen, nitrogen, sulfur, phosphorus, chlorine and/or fluorine. The polymers are suitable as thickeners, dispersing

agents, emulsifiers, suspending agents, stabilizers and/or bodying agents for aqueous preparations, emulsions and suspensions, in particular for cosmetic and pharmaceutical compositions. US '476 **does not describe copolymers on the basis of monomer B) of the formula IIa or IIb.**

US 6,891,011 (Morschhäuser et al.) describes comb-shaped copolymers based on acryloyldimethyltaurine acid and salts thereof. The use of this special monomer is the critical feature of the disclosure of this document. Apart from that, US 6,891,011 is very vague regarding potential comonomers and their amounts. In particular, this document **does not describe copolymers on the basis of monomer B) of the formula IIa or IIb.** Therefore it is of no relevancy for the teaching of amended claim 1. Further, there is not the least incentive in this document, that the disclosed copolymers might be of any use as a dispersant for clay minerals. Therefore, a person skilled in the art would not be motivated to take the teaching of this document into consideration to provide a new dispersant for clay minerals. (See Claims 6 and 21-22 of the present invention.) Apart from that, a combination of one of the other documents cited by the Examiner with US 6,891,011 does not lead to a copolymer with the special amounts of monomers as claimed in claim 5. The teaching of US 7,081,507 (Morschhäuser et al.) is similar to that of US 6,891,011 (Morschhäuser et al.).

US 2003/0220459 (Tembou N'Zudie) describes copolymers based on polyalkoxilated (meth)acrylates. In the present invention, the copolymers as claimed comprise, in copolymerized form, a nitrogen containing monomer B) that is quaternized. The copolymers according to US 2003/0220459 may optionally contain a water soluble monomer (E), that is chosen from a great number of different monomer classes (page 3, [0065] – page 4, [0093]). Monomer E7) may inter alia be N-vinylimidazole [0109], monomer E11) is vinylpyridine. E7) and E11) are both not quaternized. Therefore, a combination of the teaching of US 2003/0220459 with any one of the other documents cited by the Examiner does not lead to

the subject-matter of amended Claim 1. Further, US 2003/0220459 regards heat sensitive water-soluble copolymers and their use for the production of films, adhesives and binders for fibrous sheets, particularly for the manufacture of water-disintegrable hygiene items. A person skilled in the art would not be motivated to rely on the teaching of this document in order to provide a method of using a copolymer as a dispersant for clay minerals, as defined in Claim 21.

Therefore, the rejection of Claims 1-6 under 35 U.S.C. § 103(a) over Albrecht or Morschhauser or Tembou N'Zudie is believed to be unsustainable as the present invention is neither anticipated nor obvious and withdrawal of this rejection is respectfully requested.

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This application presents allowable subject matter, and the Examiner is kindly requested to pass it to issue. Should the Examiner have any questions regarding the claims or otherwise wish to discuss this case, he is kindly invited to contact Applicants' below-signed representative, who would be happy to provide any assistance deemed necessary in speeding this application to allowance.


Respectfully submitted,

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